

**BEFORE THE
EMPLOYMENT APPEAL BOARD
Lucas State Office Building
Fourth floor
Des Moines, Iowa 50319**

CHARLES A SLATTON

Claimant,

and

IOWA WORKFORCE DEVELOPMENT

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HEARING NUMBER: 10B-EUCU-00556

**EMPLOYMENT APPEAL BOARD
DECISION**

SECTION: 10A.601 Employment Appeal Board Review

D E C I S I O N

FINDINGS OF FACT:

A hearing in the above matter was held January 28, 2010. The administrative law judge's decision was issued February 25, 2010, which determined that the claimant "...was overpaid unemployment insurance benefits. The administrative law judge's decision has been appealed to the Employment Appeal Board. The record of the hearing before the administrative law judge is unclear and the Board is unable to render a decision at this time.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code section 10A.601(4) (2009) provides:

5. Appeal board review. The appeal board may on its own motion affirm, modify, or set aside any decision of an administrative law judge on the basis of the evidence previously submitted in such case, or direct the taking of additional evidence, or may permit any of the parties to such decision to initiate further appeals before it. The appeal board shall permit such further appeal by any of the parties interested in a decision of an administrative law judge and by the representative whose decision has been overruled or modified by the administrative law judge. The appeal board shall review the case pursuant to rules adopted by the appeal board. The appeal board shall promptly notify the interested parties of its findings and decision.

The record as it stands is unclear and appears to be incomplete. In order for the Board to render a well-reasoned decision, we must remand this matter for the further consideration, i.e., the taking of evidence on the claimant's claim and weekly wage history.

DECISION:

The decision of the administrative law judge dated February 25, 2010 is not vacated. This matter is remanded to an administrative law judge in the Workforce Development Center, Appeals Section, for further development of the record consistent with this decision, unless otherwise already addressed. The administrative law judge shall conduct a hearing following due notice, if necessary. If a hearing is held, then the administrative law judge shall issue a decision which provides the parties appeal rights.

John A. Peno

Elizabeth L. Seiser

Monique F. Kuester

AMG/fnv